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09/584,797	06/01/2000	Guy Nathan	871-82	4971

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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/584,797

**Applicant(s)**

NATHAN ET AL.

**Examiner**

Hai Tran

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6,9 & 10.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because all the elements in Fig. 1 and 2A-2J need to be labeled with appropriate description, i.e., el. 100.1 should be labeled "audiovisual information reproduction device".

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the set of available musical selections" in line 8, "the set of possible configurations" in line 9-10, "the 'Internet' site" in line 14, "audiovisual information systems" in lines 19-20 and lines 29-30. There is insufficient antecedent basis for these limitations in the claim.

Claim 17 recites the limitation "the operator' s jukeboxes" in lines 5 and "jukeboxes" in line 7. There is insufficient antecedent basis for these limitations in the claim. Moreover, it is unclear the relationship between the "jukeboxes" and the "audiovisual information reproduction device", are they considered the same apparatus? Moreover, is "the operator' s jukebox" is the same as "the operator" claimed in claim 1?

The following art rejection is applied to applicant claims as best understood in view of the 112 2<sup>nd</sup> paragraph rejection above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5-9, 13-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballhorn (US 6598230) in view of Richardson (US 6054987).

Claim 1, Ballhorn discloses system for remote management of at least one audiovisual information reproduction device (Abstract; Fig. 1, 2) comprising a host server 11 connected to telecommunication means of each audiovisual information reproduction device 20, the host server 11 comprising storage means capable of storing a database 13, 14, 31 & 32 containing management information 31 for each audiovisual information reproduction device 20, the set of available musical selections 13, the set of possible configurations 31 for each audiovisual information reproduction device 20, characterized in that the host server 11 also comprises an "Internet" site manager 30 communicating with the database, the "Internet" site being accessible by an operator responsible for the management of at least one audiovisual information reproduction device (Col. 2, lines 58-Col. 3, line 30 and Col. 5, lines 1-18).

Ballhorn does not specifically disclose a number of screens, at least one 1<sup>st</sup> screen comprising a popup menu displaying the list of audiovisual information reproduction systems (devices) installed locally for which usage information is available, the choice of at least one audiovisual information reproduction device being validated causing the display of a 1<sup>st</sup> series of screens that the operator can use to modify the operating parameters of each selected audiovisual information reproduction device and/or a 2<sup>nd</sup> series of screens that the operator can use to order at least one song for downloading on the audiovisual information reproduction

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systems (devices) from a chosen list of devices or to delete at least one song, and/or a 3<sup>rd</sup> series of screens displaying information about the use of an audiovisual information reproduction device. However, Ballhorn discloses the selected audiovisual information reproduction device (jukebox) is managed by the management station 30 for modifying the operating parameter of each selected jukebox 20 (Col. 5, lines 1-7), the management station 30 further orders at least one song for downloading on the selected jukebox 20 from the host server 11 (Col. 5, lines 35-55) and obtains information about the use of the selected jukebox (Col. 5, lines 30-35).

Richardson discloses a plurality of screens with at least one 1<sup>st</sup> screen comprising a popup menu display a list of data; a 2<sup>nd</sup> series of screens in which the user could perform further actions and a 3<sup>rd</sup> series of screens displaying information (see Fig. 5-6; Col. 5, lines 1-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn with Richardson so to provide to the operator a friendly GUI of a managed network environment.

Claim 2, Ballhorn (Col. 5, lines 29-35) in view of Richardson discloses that the "Internet" site manager 30 collects information about the operation of each audiovisual information reproduction device 20 displayed on each screen, and displayed the list of available songs, in the database 13 (Col. 5, lines 49-51).

Claim 3, as to limitation "characterized in that modification made by the operator in the 1<sup>st</sup> and /or 2<sup>nd</sup> screens are stored in a file and are translated into the language of the database to update the data modified in these series of screens and update each audio visual information reproductions as soon as a communication is set up between the host server and each audiovisual information reproduction device" is inherently met by Ballhorn in view of Richardson due to the fact that Ballhorn 's management station 30 interfaces/interacts with the host server 11 and its databases via a well known Open Database Connectivity ("ODBC") interface in order to translate and to interface with connected database.

Claim 5, limitation "the screens in the 1<sup>st</sup> and 2<sup>nd</sup> series of screens comprise a toolbar with several selection buttons that display either a screen in the 1<sup>st</sup> or 2<sup>nd</sup> series screen, or validate operations performed on the screen being displayed" is further met by Ballhorn in view of Richardson GUI interface as discussed in claim 1 (Col. 4, lines 62-65+).

Claim 6, limitation "a 1<sup>st</sup> selection button in the tollbar initiates the display of the 3<sup>rd</sup> screen comprising a 1<sup>st</sup> window displaying information about location of the audiovisual information reproduction device chosen by the operator, and an input area to update the information displayed in the 1<sup>st</sup> windows if required" is further met by Ballhorn in view of Richardson GUI interface as discussed in claim 1 because of

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the interactivity of events within the windows graphical interface (Col. 4, lines 62-65+).

Claim 7, limitation “a second selection button in the toolbar triggers the display of 4<sup>th</sup> screen in the 2<sup>nd</sup> series of screens comprising several input areas that will be used to define selection criteria for selecting songs, the list of corresponding songs being initially collected in the database by the site manager sending a request containing the criteria chosen by the operator in the input fields, and secondly displayed in a popup window in the screen” is further met by Ballhorn in view of Richardson GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+).

Claim 8, limitation “validating the choice of a song selected in the popup window in the 4<sup>th</sup> screen triggers the display of a 5<sup>th</sup> screen comprising several areas containing elements identifying the selected song, a popup window displaying the list of audiovisual information reproduction devices managed by the operator, a 1<sup>st</sup> selection area validating the purchase of the selected song for the audiovisual information reproduction devices selected by the operator in the popup window, by sending a request to the site manager, and a 2<sup>nd</sup> selection area displaying the 4<sup>th</sup> screen again” is further met by Ballhorn in view of Richardson GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+).



Claim 9, limitation “a 3<sup>rd</sup> selection button on the toolbar triggers the display of a 6<sup>th</sup> screen comprising firstly a number of fields containing information about the use of the audiovisual information reproduction device chosen by the operator, secondly a 1<sup>st</sup> popup window containing the list of songs to be downloaded to the audiovisual information reproduction device chosen by the operator and a second popup window containing the list of songs to be deleted from this audiovisual information reproduction device, and thirdly a 1<sup>st</sup> selection area triggering cancellation of downloading of one or several songs previously selected by the operator in the 1<sup>st</sup> popup window, and a 2<sup>nd</sup> selection area triggering cancellation of the deletion of one or several songs previously selected by the operator in the 2<sup>nd</sup> popup window” is further met by Ballhorn in view of Richardson GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+) in which Ballhorn' s updating function performs.

Claim 13, limitation “characterized in that a 6<sup>th</sup> selection button in the toolbar triggers the display of a 9<sup>th</sup> screen comprising a window displaying all modifications made by the operator at the time of his connection to the Internet site managed by the site manager, a 1<sup>st</sup> selection area triggering validation of all operations displayed in the 1<sup>st</sup> window, and a 2<sup>nd</sup> selection area canceling all these modifications” is further met by is further met by Ballhorn in view of Richardson as discussed in claim

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1. Moreover, Richardson's managed network tool must inherently have the claimed features of monitoring the time/date of log on/off of the operator to the Network site.

Claim 14, limitation "characterized in that a 7<sup>th</sup> selection button triggers the display of a screen comprising at least one selection area that can be used to activate or deactivate a particular function of the audiovisual information reproduction device" is further met by Ballhorn and Richardson, wherein Richardson shows features that the operator could be used to activate or deactivate a selected function, i.e., "OK" or "Cancel" (Fig. 6).

Claim 15, limitation "characterized in that an eighth button in the toolbar triggers the display of a screen that will be used to define a default basic configuration of all or some of the audiovisual information reproduction devices managed by the operator" is further met by Ballhorn in view of Richardson as discussed in claim 1, wherein the claimed feature "a default basic configuration of all or some of the audiovisual information reproduction devices managed" is inherently met because each audiovisual information reproduction device has its own default configuration that is set by either the manufacture or by network administrator during the configuration of each audiovisual information reproduction device that connects to the network.

Claim 16, "characterized in that the 2<sup>nd</sup> series of screens includes a screen containing a 1<sup>st</sup> menu in which the song category required by the operator is selected, a 2<sup>nd</sup> menu in which the style of the song required by the operator is selected, and a selection area in which the operator validates his choice to trigger the display of a 2<sup>nd</sup> screen comprising a 1<sup>st</sup> window displaying the list of songs in the 1<sup>st</sup> category and style chosen by the operator, and a second windows displaying the list of songs selected by the operator in the list in the 1<sup>st</sup> window and a selection area in which the operator validates his choice" is further met Ballhorn in view of Richardson GUI interface as discussed in claim 1 because of the interactivity or events, i.e., validate the selection within the windows graphical interface (Col. 4, lines 62-65+).

Claim 18, "characterized in that the 2<sup>nd</sup> window also comprises the list of songs already memorized on the audiovisual information reproduction device" is further met by Ballhorn in view of Richardson as discussed in claim 1 due to Ballhorn's updating function and the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+). Ballhorn further discloses the list of songs already memorized on the audiovisual information reproduction device (Col. 3, lines 1-5).

Claim 20, Ballhorn further discloses that the system comprises a magnetic or optical recording system such that the songs selected by the operator are recorded on a portable magnetic or optical medium, or a solid state electronic memory, preferably semi-conductor based (see Fig. 1-3, el. 13, 14, 31, 32, 21).

2. Claims 4, 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballhorn (US 6598230) in view of Richardson (US 6054987), and further in view of Rhoads (US 6311214).

Claim 4, Ballhorn in view of Richardson does not clearly disclose that the "Internet" site manager comprises means of authentication of the operator designed to limit the operator's access to the audiovisual information reproduction devices that he manages.

Rhoads discloses authentication process for checking the legitimacy of user for performing an authorization task (Col. 26, lines 15-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn in view of Richardson with Rhoads to implement an authentication process as claimed so to prevent the fraudulent transactions and other illegitimate behaviors of unauthorized user.

Claim 11, as analyzed in claims 1 and 5, Ballhorn in view of Richardson further meets claimed limitation characterized in that a 5<sup>th</sup> selection button on the toolbar triggers the display of a screen comprising a 1<sup>st</sup> series and a 2<sup>nd</sup> series of input areas that the operator can use to choose.

Ballhorn and Richardson do not clearly disclose the operator can use to choose the number of possible selections after paying the price, for each price in those input areas.

Rhoads discloses the operator can use to choose the number of possible selections after paying the price, for each price (Col. 51, lines 22-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn in view of Richardson with Rhoads so the operator could have a flexibility to control access of the owned song/music (Col. 51, lines 10-21)

Claim 21, Ballhorn and Richardson do not clearly disclose that songs are encrypted and recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and decrypted when the song is played on an audiovisual information reproduction device.

Rhoads discloses that songs are encrypted and recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and decrypted when the song is played on an audiovisual information reproduction device (Col. 44, lines 17-col.45, lines 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn in view of Richardson with Rhoads so to prevent unauthorized copy and use of the recorded media.

3. Claims 10 and 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballhorn (US 6598230) in view of Richardson (US 6054987), and further in view of Kleiman (US 5959945).

Claim 10, as analyzed in claim 1, Ballhorn in view of Richardson further meets claimed limitation “a 4<sup>th</sup> selection button on the toolbar triggers the display of a 7<sup>th</sup> screen comprising several fields, a 1<sup>st</sup> popup window, a 2<sup>nd</sup> popup window, the 7<sup>th</sup> screen also contain selection area that triggers deletion of the song (s) selected by the operator in the 2<sup>nd</sup> popup window” due to Ballhorn’ s updating function and the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+).

Ballhorn and Richardson doe not clearly disclose “information about statistics on the use of the information reproduction device chosen by the operator, list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device chosen by the operator”.

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 44-57), list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device (Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn in view of Richardson with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

Claim 17, Ballhorn and Richardson doe not clearly disclose “characterized in that the list of displayed songs is collected in the database among the most frequently played song on all the operator’s jukeboxes or among the songs most

frequently played on all jukeboxes managed by the server or among the songs most frequently played on all jukeboxes installed in all branches belonging to the same determined category”.

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 44-57), list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn in view of Richardson with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

Claim 19, “characterized in that the 3<sup>rd</sup> series of screens comprises at least one screen comprising a window” is further met by Ballhorn in view of Richardson because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+). As to “indicating the date(s) on which the audiovisual information reproduction device was switched off/ and or on” and “ indicating the date(s) on which a communication device and the host server was interrupted”, they are further met by Richardson due to function of the network management protocol that monitor the activities of each node connected to the network.

Ballhorn and Richardson do not clearly disclose displaying the list of songs played by the audiovisual information reproduction device, and the date on which each song was played;

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballhorn in view of Richardson with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballhorn (US 6598230) in view of Richardson (US 6054987), and further in view of Dobbs et al. (US 5566237).

Claim 12, as discussed in claim 1, limitation "the eighth screen comprises several input areas used to choose" is met by Ballhorn and Richardson because of the interactivity or events within the windows graphical interface (Col. 4, lines 62-65+).

Ballhorn in view of Richardson does not disclose parameters required to adjust audio reproduction means of the audiovisual information reproduction device.

Dobbs discloses parameters required to adjust audio reproduction means of the audiovisual information reproduction device (Abstract and Summary). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ballhorn in view of Richardson with Dobbs by including a sound level adjusting method in order to vary the attenuation of the variable volume circuit from the remote site (Col.9, lines 62-Col.10, lines 16).



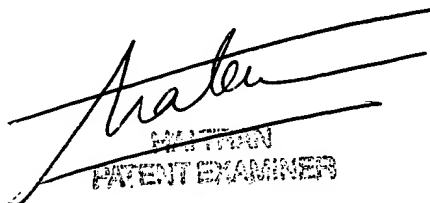
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
07/08/2004

  
PATENT EXAMINER